



November 2, 2005

Ms. LouEllen M. Rice,
Grants Management Officer
SAMHSA/OPS/DGM
1 Choke Cherry Road, Room 7-1091
Rockville MD 20850

Dear Ms. Rice:

Enclosed please find the Nebraska Federal Fiscal Year 2006 Substance Abuse Block Grant SYNAR report. The materials attached include a complete paper copy and one electronic version.

With this SYNAR report, the Nebraska Substance Abuse Prevention and Treatment Block Grant application is complete.

Sincerely,

A handwritten signature in dark ink, appearing to read "Nancy Montanez". The signature is fluid and cursive.

Nancy Montanez, Director
Department of Health and Human Services

Checklist for Completing the FFY 2006 Annual Synar Report

This checklist is also available for download at www.samhsa.gov and has been included electronically on the enclosed CD.

STATE NAME: NEBRASKA FISCAL YEAR: 2006

Checklist Completed By (Print): Robert Bussard Position: Program Specialist

Telephone Number: 402-479-5572 E-mail Address: bob.bussard@hhss.ne.gov

Signed: Robert Bussard Date: 11/2/05

Check the following items as they have been completed, prior to submission of the Annual Synar Report to SAMHSA/CSAP. Please include a copy of this checklist along with your FFY 2006 Annual Synar Report submission.

- Completion and inclusion of the Checklist for Completing the Annual Synar Report ☒
- Inclusion of 1 electronic version of the complete Annual Synar Report ☒
- Inclusion of 1 hardcopy of the completed Annual Synar Report ☒
- Signature on Funding Agreements/Certifications ☒
- Completion of all Annual Synar Report Questions (see below) ☒

Section I: (Compliance Progress)

- Question 1 ☐
 - State Tobacco Legislation ☒
- Question 2 ☐
 - Publicizing the Annual Synar Report ☒
- Question 3 ☐
 - Identify Lead Agencies ☒
- Question 4 ☐
 - Tobacco Prevention and Control Agency ☒
 - Coordination and Collaboration with Lead Synar Agency ☒
- Question 5 ☐
 - Enforcement of Youth Access ☒
 - Penalties for Violations of Youth Access Laws ☒

Supporting Activities ☒

Question 6 ☐

 Sampling Methodology (Appendix B)..... ☒

Question 7 ☐

 SSES Used ☒ Yes ☐ No

If Yes, SSES Summary Table 1..... ☐

 SSES Summary Table 2..... ☐

 SSES Summary Table 3..... ☐

 SSES Summary Table 4..... ☐

If No, Random Sample Survey Results..... ☐

 Form 1 ☐

 Form 2 (Optional) ☐

 Form 3 ☐

 Sample Sizes ☐

 Form 4..... ☐

Question 8 ☐

 List Frame ☒

 Appendix D..... ☒

Question 9 ☐

 Inspection Protocol (Appendix C) ☒

 Form 5 ☒

Section II (Intended Use)

Question 1 ☐

 Anticipated Changes ☒

Question 2 ☐

 State Plan ☒

Question 3 ☐

 Challenges..... ☒

.....

ANNUAL SYNAR REPORT

42 U.S.C. 300x-26

OMB № 0930-0222

NEBRASKA

FFY 2006

Date Submitted: October 18, 2005

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Center for Substance Abuse Prevention

www.samhsa.gov



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INTRODUCTION

The Annual Synar Report (ASR) format provides the means for States to comply with the reporting provisions of the Public Health Service Act (42 U.S.C. 300x-26) and the Tobacco Regulation for the SAPT Block Grant (45 C.F.R. 96.130 (e)).

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control number for this project is 0930-0222 with an expiration date of 08/31/2007. Public reporting burden for the collection of information is estimated to average 15 hours for Section I and 3 hours for Section II, including the time for reviewing instructions, completing and reviewing the collection of information, searching existing data sources, and gathering and maintaining the data needed. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to SAMHSA Reports Clearance Officer; Paperwork Reduction Project (0930-0222); 1 Choke Cherry Road, Room 7-1044, Rockville, Maryland 20857

How the Synar report helps the Center for Substance Abuse Prevention

In accordance with the tobacco regulations, States are required to provide detailed information on progress made in enforcing youth tobacco access laws (FFY 2005 Compliance Progress) and future plans to ensure compliance with the Synar requirements to reduce youth tobacco access rates (FFY 2006 Intended Use Plan). These data are required by 42 U.S.C. 300x-26 and will be used by the Secretary to evaluate State compliance with the statute. Part of the mission of the Substance Abuse and Mental Health Services Administration's (SAMHSA) Center for Substance Abuse Prevention (CSAP) is to assist States¹ by supporting Synar activities and providing technical assistance helpful in determining the type of enforcement measures and control strategies that are most effective. This information is helpful to SAMHSA/CSAP in improving technical assistance resources and expertise on enforcement efforts and tobacco control program support activities, including State Synar Program support services, through an enhanced technical assistance program involving conferences and workshops, development of training materials and guidance documents, and on-site technical assistance consultation.

How the Synar report can help States

The information gathered for the Synar report can help States describe and analyze sub-State needs for program enhancements. These data can also be used to report to the State legislature and other State and local organizations on progress made to date in enforcing youth tobacco access laws when aggregated statistical data from State Synar reports can demonstrate to the Secretary the national progress in reducing youth tobacco access problems. This information will also provide Congress with a better understanding of State progress in implementing Synar, including State difficulties and successes in enforcing retailer compliance with youth tobacco access laws.

¹The term State is used to refer to all the States and territories required to comply with Synar as part of the Substance Abuse Prevention and Treatment Block Grant Program requirements (42 U.S.C. 300x-64 and 45 C.F.R. 96.121).

Getting assistance in completing the Synar report

If you have questions about programmatic issues, you may call CSAP's Division of State and Community Assistance at 240-276-2570 and ask for your respective State Project Officer, or contact your State Project Officer directly by telephone or e-mail using the directory provided. If you have questions about fiscal or grants management issues, you may call the Grants Management Officer, Office of Program Services, Division of Grants Management, at 240-276-1404.

Where and when to submit the Annual Synar Report

The Annual Synar Report (ASR) must be received by SAMHSA no later than December 31, 2005. The ASR must be submitted in the **approved OMB report format**. Use of the approved format will avoid delays in the review and approval process. The chief executive officer (or an authorized designee) of the applicant organization must sign page 1 of the ASR certifying that the State has complied with all reporting requirements.

Submit one signed original of the report, one additional copy, and an electronic version on either CD-ROM or 3.5" diskette to the Grants Management Officer at the address below:

Grants Management Officer
Office of Program Services, Division of Grants Management
Substance Abuse and Mental Health Services Administration

Regular Mail:

1 Choke Cherry Road, Room 7-1091
Rockville, Maryland 20857

Overnight Mail:

1 Choke Cherry Road, Room 7-1091
Rockville, Maryland 20850

FFY 2006: FUNDING AGREEMENTS/CERTIFICATIONS

The following form must be signed by the Chief Executive Officer or an authorized designee and submitted with this application. Documentation authorizing a designee must be attached to the application.

PUBLIC HEALTH SERVICES ACT AND SYNAR AMMENDMENT

42 U.S.C. 300x-26 requires each State to submit an annual report of its progress in meeting the requirements of the Synar Amendment and its implementing regulation (45 C.F.R. 96.130) to the Secretary of the Department of Health and Human Services. By signing below, the chief executive officer (or an authorized designee) of the applicant organization certifies that the State has complied with these reporting requirements and the certifications as set forth below.

SYNAR SURVEY SAMPLING METHODOLOGY

The State certifies that the Synar survey sampling methodology on file with the Center for Substance Abuse Prevention and submitted with the Annual Synar Report for FFY 2006 is up-to-date and approved by the Center for Substance Abuse Prevention.

SYNAR SURVEY INSPECTION PROTOCOL

The State certifies that the Synar Survey Inspection Protocol on file with the Center for Substance Abuse Prevention and submitted with the Annual Synar Report for FFY 2006 is up-to-date and approved by the Center for Substance Abuse Prevention.

State:

Nebraska

Name of Chief Executive Officer or Designee:

Nancy Montanez

Signature of CEO or Designee:

Title: Director Department of Health and Human
Services *Nancy Montanez*

Date Signed: 11/3/05

If signed by a designee, a copy of the designation must be attached

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SECTION I: FFY 2005 (Compliance Progress)**YOUTH ACCESS LAWS, ACTIVITIES, AND ENFORCEMENT**

42 U.S.C. 300x-26 requires the States to report information regarding the sale/distribution of tobacco products to individuals under age 18.

- 1. Please indicate any changes or additions to the State tobacco statute(s) relating to youth access since the last reporting year. Please attach a photocopy of the change(s) in the State law(s) if any was made since the last reporting year. (See 42 U.S.C. 300x-26)**

- a. Has there been a change in the *minimum sale age* for tobacco products?**

☐ Yes ☒ No

If Yes, current minimum age: ☐ 19 ☐ 20 ☐ 21

- b. Have there been any changes in State law that impact the State's *protocol for conducting Synar inspections*? ☐ Yes ☒ No**

If Yes, indicate change (check all that apply):

☐ Changed to require that law enforcement conduct inspections of tobacco outlets

☐ Changed to make it illegal for youth to possess, purchase or receive tobacco

☐ Changed to require ID to purchase tobacco

☐ Other change(s) (please describe): _____

- c. Have there been any changes in the law concerning *vending machines*?**

☐ Yes ☒ No

If Yes, indicate change (check all that apply):

☐ Total ban enacted

☐ Banned from location(s) accessible to youth

☐ Locking device or supervision required

☐ Other change(s) (please describe): _____

- d. Have there been any changes in State law that impact the following?**

Licensing of tobacco vendors ☐ Yes ☒ No

Penalties for sales to minors ☐ Yes ☒ No

- 2. Describe how the *Annual Synar Report* (see 45 C.F.R. 96.130(e)) and the *State Plan* (see 42 U.S.C. 300x-51) were made public within the State. (Check all that apply)**

☐ Placed on file for public review

☒ Posted on a State agency Web site

☐ Notice published in a newspaper or newsletter

☐ Public hearing

☐ Announced in a news release, a press conference, or discussed in a media interview

☐ Distributed for review as part of the SAPT Block Grant application process

☐ Distributed through the public library system

☐ Published in an annual register

☒ Other change(s) (please describe): Legislative Hearings

- 3. Identify the following agency or agencies. (See 42 U.S.C. 300x-26 and 45 C.F.R. 96.130)**

- a. The State agency(s) *designated by the Governor for oversight of the Synar***

requirements:

Nebraska Department of Health and Human Services, Division of Behavioral Health Services

Has this changed since last year's Annual Synar Report? ☐ Yes ☒ No

b. The State agency(s) responsible for conducting random, unannounced Synar inspections:

Nebraska State Patrol

Has this changed since last year's Annual Synar Report? ☐ Yes ☒ No

c. The State agency(s) responsible for enforcing youth tobacco access law(s):

Nebraska State Patrol

Has this changed since last year's Annual Synar Report? ☐ Yes ☒ No

4. Identify the State agency(s) responsible for tobacco prevention control activities.

Tobacco Free Nebraska

Has the responsible agency changed since last year's Annual Synar Report?

☐ Yes ☒ No

a. Describe the coordination and collaboration that occur between the agency responsible for tobacco control and the agency responsible for oversight of the Synar requirements. The two agencies (check all that apply):

☐ Are the same

☐ Have a formal written memorandum of agreement

☒ Have an informal partnership

☒ Conduct joint planning activities

☐ Combine resources

☐ Have other collaborative arrangement(s) (please describe): _____

5. Please answer the following questions regarding the State's activities to enforce the youth access to tobacco law(s) in FFY 2004. (See 42 U.S.C. 300x-26 and 45 C.F.R. 96.130(e))

a. Which one of the following describes the enforcement of youth access to tobacco laws carried out in your State? (Check one category only)

- ☐ Enforcement is conducted exclusively by local law enforcement agencies.
- ☐ Enforcement is conducted exclusively by State agency(s).
- ☒ Enforcement is conducted by both local and State agencies.

b. The following items concern penalties imposed for violations of youth access to tobacco laws by **LOCAL AND/OR STATE LAW ENFORCEMENT AGENCIES**. Please fill in the number requested or indicate if these data are unavailable or the item is not applicable.

				If Available	
PENALTY	NOT APPLICABLE	NOT AVAILABLE	TOTAL	OWNERS	CLERKS
Number of <u>citations issued</u>			90		
Number of <u>finest assessed</u>		X			
Number of <u>permits/licenses suspended</u>		X			
Number of <u>permits/licenses revoked</u>		X			
Other (please describe):					

c. What additional activities are conducted in your State to support enforcement and compliance with State tobacco access law(s)? (Check all that apply)

- ☒ Merchant education and/or training
- ☒ Incentives for merchants who are in compliance (e.g., Reward and Reminder)
- ☒ Community education regarding youth access laws
- ☒ Media use to publicize compliance inspection results
- ☒ Community mobilization to increase support for retailer compliance with youth access laws
- ☐ Other activities (please list): _____

Briefly describe all checked activities:

Nebraska Retail Merchants Assoc conducts merchant education. Retail merchants with multiple sights conduct training sessions.

Sharing with Lorillard & Phillip Morris Tobacco Companies results of SYNAR survey for determination of retailer continued participation in point of sales counter display incentives.

Tobacco Free Nebraska supports through funding and technical assistance 9 community tobacco coalitions who conduct community education regarding youth access laws.

Community Tobacco Coalitions publicize local survey results. SYNAR survey results are place on state web site.

Community Mobilization is used to increase support for retailer compliance with youth access laws, including activities of the 9 tobacco coalitions to encourage local enforcement efforts, conducting "spot checks" in local communities and conduction formal compliance checks in Lancaster, Hall, Douglas, Cass Sarpy, Scotts Bluff counties during the FFY.

Cooperation with Attorney Generals Office in monitoring compliance at retail tobacco agreement such as Walgreens, BP-Amoco, Exxon-Mobile, and monitoring toward compliance Safeway, Conoco-Philips, and 7-11 stores.

Through the statewide State Incentive Cooperative Agreement effort 18 substance abuse community coalitions are supported through funding and technical assistance from the Division of Behavioral Health Services.

SYNAR SURVEY METHODS AND RESULTS

The following questions pertain to the survey methodology and results of the Synar survey used by the State to meet the requirements of the Synar Regulation in FFY 2004. (See 42 U.S.C. 300x-26 and 45 C.F.R. 96.130)

6. Has the sampling methodology changed from the previous year?

☐ Yes ☒ No

The State is required to have an approved up-to-date description of the Synar sampling methodology on file with CSAP. Please submit a copy of your Synar Survey Sampling Methodology (Appendix B). If the sampling methodology changed from the previous reporting year, these changes must be reflected in the methodology submitted.

7. Please answer the following questions regarding the State's annual random, unannounced inspections of tobacco outlets. (See 45 C.F.R. 96.130(d)(2))**a. Did the State use the optional Synar Survey Estimation System (SSES) to analyze the Synar survey data?**

☒ Yes ☐ No

If Yes, attach SSES summary tables 1, 2, 3 and 4 and go to Question 8. If No, continue to Question 7b.

b. Report the weighted and unweighted Retailer Violation Rate (RVR) estimates, and the standard error.

Unweighted RVR _____

Weighted RVR _____

Standard error (s.e.) of the (weighted) RVR _____

Fill in the blanks to calculate the right limit of the right-sided 95% confidence interval.

_____	+	(1.645	×	_____	=	_____
RVR Estimate	Plus	(1.645	times	Standard Error)	equals	Right Limit

c. Fill out Form 1 in Appendix A (Forms). (Required regardless of the sample design)

d. How were the (weighted) RVR estimate and its standard error obtained?*(Check the one that applies)*

- ☐ Form 2 (Optional) in Appendix A (Forms) *(Attach completed Form 2)*
☒ Other *(Please specify. Provide formulae and calculations or attach and explain the program code and output with description of all variable names.)*
SSES

e. If stratification was used, did any strata in the sample contain only one outlet or cluster this year?

- ☐ Yes ☒ No ☐ No stratification

*If Yes, explain how this situation was dealt with in variance estimation.***f. Was a cluster sample design used?**

- ☐ Yes ☒ No

*If No, go to Question 7g.**If Yes, fill out and attach Form 3 in Appendix A (Forms), and answer the following question:***Were any certainty primary sampling units selected this year?**

- ☐ Yes ☐ No

*If Yes, explain how the certainty clusters were dealt with in variance estimation.***g. Report the following outlet sample sizes for the Synar survey.**

	Sample Size
Effective sample size (sample size needed to meet the SAMHSA precision requirement assuming simple random sampling)	
Target sample size (the product of the effective sample size and the design effect)	
Original sample size (inflated sample size of the target sample to counter the sample attrition due to ineligibility and non-completion)	
Eligible sample size (number of outlets found to be eligible in the sample)	
Final sample size (number of eligible outlets in the sample for which an inspection was completed)	

h. Fill out Form 4 in Appendix A (Forms).**8. Did the State's Synar survey use a list frame?**

- ☒ Yes ☐ No

*If Yes, answer the following questions about its coverage:***a. The calendar year of the latest frame coverage study:** 2003_____**b. Percent coverage from the latest frame coverage study:** 84_____**c. Was a new study conducted in this reporting period?** ☐ Yes ☒ No

If Yes, please complete Appendix D (List Sampling Frame Coverage Study) and submit it with the Annual Synar Report.

d. The calendar year of the next coverage study planned: NONE

9. Has the Synar survey inspection protocol changed from the previous year?

☐ Yes ☒ No

The State is required to have an approved up-to-date description of the Synar inspection protocol on file with CSAP. Please submit a copy of your Synar Survey Inspection Protocol (Appendix C). If the inspection protocol changed from the previous year, these changes must be reflected in the protocol submitted.

a. Provide the inspection period: From: 04/01/2005 To: 09/15/2005
MM/DD/YY MM/DD/YY

b. Provide the number of youth inspectors used in the current inspection year:
52

c. Fill out and attach Form 5 in Appendix A (Forms). *(Not required if the State used the Synar Survey Estimation System (SSES) to analyze the Synar survey data)*

SECTION II: FFY 2006 (Intended Use):

Public law 42 U.S.C. 300x-26 of the Public Health Service Act and 45 C.F.R. 96.130 (e) (4, 5) require that the States provide information on future plans to ensure compliance with the Synar requirements to reduce youth tobacco access.

1. In the upcoming year, does the State anticipate any changes in the:

Synar sampling methodology ☐ Yes ☒ No

Synar inspection protocol ☐ Yes ☒ No

If changes are made in either the Synar sampling methodology or the Synar inspection protocol, the State is required to obtain approval from CSAP prior to implementation of the change and file an updated Synar Survey Sampling Methodology (Appendix B) or an updated Synar Survey Inspection Protocol (Appendix C), as appropriate.

2. Please describe the State's plans to maintain and/or reduce the target rate for Synar inspections to be completed in FFY 2005. Include a brief description of plans for law enforcement efforts to enforce youth tobacco access laws, activities that support law enforcement efforts to enforce youth tobacco access laws, and any anticipated changes in youth tobacco access legislation or regulation in the State.

- During FFY 2006 the Nebraska Health and Human Services System will continue to educate decision makers about SYNAR including the importance of a centralized tobacco licensing system for Nebraska to improve the listing from which we draw the tobacco retailers. Past proposed legislation would keep licensing at the local level, provide funding to local counties and cities for supplying the list to the Health and Human Services System, provide funds to support the enforcement of tobacco laws, provide funds to assist with retailer education and community education and provide a uniform process to locals for establishing tobacco licenses, and allow for local civil penalties to the license holders for illegal sales.
- During FFY 2006 the State of Nebraska does not anticipate any changes in law enforcement activities.
- Regional Prevention Centers, Tobacco Free Nebraska and others will continue to work on community initiatives that support non-use of tobacco by youth under the legal age. Both youth and adult prevention education efforts and environmental prevention strategies will be utilized to increase the commitment of communities to keeping youth tobacco free. This effort may be enhanced with the State Incentive Grant Cooperative Agreement funds for Prevention.
- There continues to be legal and administrative constraints. The current administration is still apprehensive regarding taking a proactive stance on tobacco legislation. Some local jurisdictions are showing great restraint in issuing fines.

North Platte city council recently passed an ordinance that set a minimum fine for illegal sales at \$100. City of Omaha prosecutor Marty Conboy will be filing charges against Omaha licensees that have multiple offenses. Also, current Nebraska statutes are written in such a way to limit the chances that the license holder will be prosecuted for illegal sales. We will continue to educate decision-makers about the importance of holding license holders responsible in order to reduce illegal sales.

- Continue to supply tobacco manufacturing information on citations issued as a result of compliance checks to strengthen point of sale incentive programs. Currently the SYNAR compliance checks can only determine if a citation was issued. Nebraska court system is just beginning to automate records. If citations and court records are coordinated than an analysis of violations, fines and dispositions can be made. While a special study has been made previously by the Buffalo Beach Company to determine citation disposition, the study was but a small sample and showed how difficult a statewide detail study would be.
- The State's Single State Authority for Substance Abuse and the CDC/state-funded Tobacco Free Nebraska program continue to have a working relationship. The two programs are programmatic partners in the implementation of SYNAR. Ongoing communication has helped assure collaboration of local coalitions and other efforts that support reducing youth access to tobacco. Additionally the Division of Behavioral Health Services has initiated a state core group that is anticipated to meet to discuss SYNAR related issues. The core group consists of the Division, TFN, Attorney Generals office and State Patrol.
- Division of Behavioral Health Services continues to meet regularly with tobacco prevention staff, serve on the state Tobacco Free Nebraska coalition and continue to collaborate with American Lung Association, American Cancer Society, Nebraska Medical Association, Nebraska Heart Association and others who are committed to tobacco prevention.

3. Describe any challenges the State faces in complying with the Synar regulation. (Check all that apply)

- ☒ Limited resources for law enforcement of youth access laws
- ☒ Limited resources for activities to support enforcement and compliance with youth tobacco access laws
- ☐ Limitations in the State youth tobacco access laws
- ☒ Limited public support for enforcement of youth tobacco access laws
- ☒ Limitations on completeness/accuracy of list of tobacco outlets
- ☐ Limited expertise in survey methodology
- ☐ Laws/regulations limiting the use of minors in tobacco inspections
- ☒ Difficulties recruiting youth inspectors
- ☒ Geographic, demographic, and logistical considerations in conducting inspections
- ☐ Cultural factors (e.g., language barriers, young people purchasing for their elders)

☐ Issues regarding sources of tobacco under tribal jurisdiction

☐ Other challenges (*please list*): _____

Briefly describe all checked challenges:

The Nebraska State Patrol is a statewide law enforcement agency with limited personnel to cover a state as large as ours. Currently we have a significant number of officers who are deployed with the National Guard overseas, which impacts our manpower as well. SYNAR inspections are carried on a voluntary overtime basis. Not all officers choose to participate in overtime activities further limiting resources available. The State SYNAR committee would like to expand the use of "local law enforcement" to conduct "official SYNAR" compliance checks. In the City of Omaha, Pride Omaha has been the lead agency for two years to conduct SYNAR compliance checks in the city with the resources of the State Patrol and Omaha Police Department

In 2003, the Nebraska Unicameral passed LB 285A that reduced the annual amount the Nebraska Unicameral appropriated to statewide comprehensive tobacco prevention to \$405,000. This was a 94% decrease in state funding from the \$7 million a year that was appropriated by the state starting in 2000. In order to maintain momentum at the community level, the decision was made to grant the majority of these funds to community programs. As a result, a 9-month (January – September 2004), competitive RFP was released to local communities in August 2003. In all, 11 communities or Native American tribes were funded at a combined level of \$1.28 million.

In May 2004, Nebraska was successful in reinstating \$2.5 million a year with the passage LB 1091 and LB 1089. As a result of the combination of these two bills being signed into law there will be annual funding of \$2.5 million for comprehensive tobacco prevention programming from the tobacco Master Settlement Agreement. In June 2004, a community RFP for \$2.55 million was released for a 21-month period beginning October 1, 2004 through June 30, 2006. An additional RFP for \$100,000 targeting Native American tribes was released at the same time for the same time frame.

The release of two Tobacco Free Nebraska reports helped illustrate to decision-makers, coalitions, and the public the outstanding progress that has been made toward tobacco prevention and control goals including illegal sales to minors. In December, TFN released "Progress in Reducing Tobacco Use in Nebraska: A Tobacco Free Nebraska snapshot" and in May "Data and Trends on Tobacco Use in Nebraska". One significant accomplishment highlighted in both reports is the decline in youth smoking rates, including a marked decline from 2001-2003 from 30.5 percent to 24.1 percent. Compared to 1997, there are approximately 15,000 fewer Nebraska youth smoking today.

Nebraska has also seen a statistically significant decline in smoking initiation among

youth. The proportion of youth who reported having never smoked a cigarette increased from 30.5 percent of all youth in 1997 to 35.0 percent in 1999, 36.3 percent in 2001, and 39.8 percent in 2003. Between 1996 and 2003, vendor compliance with regulations that prohibit the sale of tobacco products to underage youth has also increased. Compliance increased among Nebraska vendors from 67.8 percent in 1996 to 81.2 percent in 2003. In checks conducted by the Metro Omaha Tobacco Action Coalition throughout Douglas County, the rate of compliance increased from 77 percent in March 2002 to 91 percent in September 2003. Nebraska has also seen the percentage of adolescents who reported using smokeless tobacco at least one day within the 30 days preceding the survey declined from 17.1 percent to 10 percent. It is important to note that the reduction in state appropriations for comprehensive tobacco prevention and control program will create barriers and challenges in sustaining these goals at the achieved levels.

Tobacco use by youth continues to be a cultural right of passage. Limited resources have made inroads in this right of passage, but there continues to be a social norm in many areas of the state that tobacco use (including chew) is OK.

Nebraska list frame is a purchased list from INFO-USA. The list is continuously updated by Info-USA but in urban area that updating may be several months behind. Tobacco licensing are issued by town, village, city and county clerks. No central registry exists for all tobacco licenses. Health and Human Services employees have requested consideration of a tobacco licensing law requiring state level registry but administrators of HHS have not considered such a priority for the agency. The Division of Behavioral Health Services continues to poll clerks for updates to their licenses. Not all clerks respond to the request. This request has been made three years in a row. Currently the License list exceeds 3600 locations. These locations are checked against the list obtained from INFO-USA. No study of the match has been made due to lack of staff.

Youth inspectors continues to be a difficulty for the State Patrol. Local coalitions are one thing but driving around the state with a Patrol Officer for a youth can be difficult. Distances in the state are very long requiring an inspection team to travel 3-4 hours to conduct one or two inspections. In more urban areas inspections and youth recruitment suffer from school activities.

APPENDIX A: FORMS

Nebraska uses SSES software. Attached is the output from that software only, Forms 1-5 have been replaced by this output.

SSES Table 1 (Synar Survey Estimates and Sample Sizes)

CSAP-SYNAR REPORT

State	Nebraska
Federal Fiscal Year (FFY)	2005
Date	10/21/2005 10:58
Data	Master_List_CY_2005.xls
Analysis Option	Stratified SRS with FPC

Estimates

Unweighted Retailer Violation Rate	10.2%
Weighted Retailer Violation Rate	10.7%
Standard Error	1.1%
Is SAMHSA Precision Requirement met?	YES
Right-sided 95% Confidence Interval	[0.0%, 12.5%]
Two-sided 95% Confidence Interval	[8.7%, 12.8%]
Design Effect	1.1
Accuracy Rate (unweighted)	95.1%
Accuracy Rate (weighted)	95.2%
Completion Rate (unweighted)	95.6%

Sample Size for Current Year

Effective Sample Size	381
Target (Minimum) Sample Size	381
Original Sample Size	975
Eligible Sample Size	927
Final Sample Size	886
Overall Sampling Rate	14.1%

SSES Table 2 (Synar Survey Results by Stratum and by OTC/VM)

STATE:
Nebraska
FFY: 2005

Samp. Stratum	Var. Stratum	Outlet Frame Size	Estimated Outlet Population Size	Number of PSU Clusters Created	Number of PSU Clusters in Sample	Outlet Sample Size	Number of Eligible Outlets in Sample	Number of Sample Outlets Inspected	Number of Sample Outlets in Violation	Retailer Violation Rate(%)	Standard Error(%)
All Outlets											
A	A	2,002	1,936	N/A	N/A	182	176	169	19	11.2%	
B	B	1,053	1,015	N/A	N/A	166	160	157	7	4.5%	
C	C	932	881	N/A	N/A	163	154	138	21	15.2%	
D	D	713	657	N/A	N/A	154	142	142	12	8.5%	
E	E	482	468	N/A	N/A	136	132	131	10	7.6%	
H	H	1,424	1,334	N/A	N/A	174	163	149	21	14.1%	
Total		6,606	6,291			975	927	886	90	10.7%	1.1%
Over the Counter Outlets											
A	A	2,002	1,844	N/A	N/A	174	168	161	16	9.9%	
B	B	1,053	1,015	N/A	N/A	166	160	157	7	4.5%	
C	C	932	881	N/A	N/A	163	154	138	21	15.2%	
D	D	713	657	N/A	N/A	154	142	142	12	8.5%	
E	E	482	468	N/A	N/A	136	132	131	10	7.6%	
H	H	1,424	1,316	N/A	N/A	170	159	147	21	14.3%	
Total		6,606	6,181			963	915	876	87	10.4%	1.0%
Vending Machines											
A	A	0	92	N/A	N/A	8	8	8	3	37.5%	
B	B	0	0	N/A	N/A	0	0	0	0	0.0%	
C	C	0	0	N/A	N/A	0	0	0	0	0.0%	
D	D	0	0	N/A	N/A	0	0	0	0	0.0%	
E	E	0	0	N/A	N/A	0	0	0	0	0.0%	
H	H	0	18	N/A	N/A	4	4	2	0	0.0%	
Total		0	110			12	12	10	3	31.4%	14.2%

SSES Table 3 (Synar Survey Sample Tally Summary)

STATE:
Nebraska
FFY:
2005

Disposition Code	Description	Count	Subtotal
EC	Eligible and inspection complete outlet	886	
Total (Eligible Completes)			886
N1	In operation but closed at time of visit	20	
N2	Unsafe to access	3	
N3	Presence of police	0	
N4	Youth inspector knows salesperson	2	
N5	Moved to new location but not inspected	0	
N6	Drive thru only/youth inspector has no drivers license	1	
N7	Tobacco out of stock	1	
N8	Run out of time	14	
N9	Other noncompletion	0	
Total (Eligible Noncompletes)			41
I1	Out of Business	18	
I2	Does not sell tobacco products	13	
I3	Inaccessible by youth	0	
I4	Private club or private residence	3	
I5	Temporary closure	6	
I6	Unlocatable	4	
I7	Wholesale only/Carton sale only	0	
I8	Vending machine broken	0	
I9	Duplicate	4	
I10	Other ineligibility	0	
Total (Ineligibles)			48
Grand Total			975

SSES Table 4 (Synar Survey Inspection Results by Youth Inspector Characteristics)

STATE:
Nebraska
FFY: 2005

Frequency Distribution				
Gender	Age	Number of Inspectors	Attempted Buys	Successful Buys
Male	14	5	123	5
	15	12	178	14
	16	6	136	25
	17	1	7	1
	18	0	0	0
Female	Subtotal	24	444	45
	14	8	113	4
	15	6	123	15
	16	6	93	12
	17	8	113	14
	18	0	0	0
	Subtotal	28	442	45
Other		0	0	0
Grand Total		52	886	90

Table 5: Buy Rate in Percent by Age and Gender

Age	Male	Female	Total
14	4.1%	3.5%	3.8%
15	7.9%	12.2%	9.6%
16	18.4%	12.9%	16.2%
17	14.3%	12.4%	12.5%
18	0.0%	0.0%	0.0%
Other			0.0%
Total	10.1%	10.2%	10.2%

**Table 6: SSES Sample Size Calculator
Table**

Synar Survey

State	NE
FFY	2005
Date	06/06/2005 13:36

Input Information

Option for 95% Confidence Interval	One-Sided
Outlet Frame Size	6,606
Expected Retailer Violation Rate	16%
Design Effect	1
Expected Accuracy Rate	93.10%
Expected Completion Rate	92.60%
Safety Margin Used	10%

Sample Size

Effective Sample Size	381
Target(Minimum) Sample Size	381
Planned Original Sample Size	486

APPENDIX B

STATE: Nebraska

FFY: 2006

SYNAR SURVEY SAMPLING METHODOLOGY

1. What type of sampling frame is used?

- ☒ List frame (Go to Question 2)
☐ Area frame (Go to Question 3)
☐ List-assisted area frame (Go to Question 2)

2. List all sources of the list frame. Indicate the type of source from the list below. Provide a brief description of the frame source. Explain how the lists are updated (method), including how new outlets are identified and added to the frame. In addition, explain how often the lists are updated (cycle). (After completing this question, go to Question 4)

Use the corresponding number to indicate Type of Source in the table below:

- 1 – Statewide commercial business list 4 – Statewide retail license/permit list
2 – Local commercial business list 5 – Statewide liquor license/permit list
3 – Statewide tobacco license/permit list 6 – Other

Name of Frame Source	Type of Source	Description	Updating Method and Cycle
InfoUSA Inc.	1	A Commercial Business list from InfoUSA. Attempts are made to eliminate businesses that do not sell tobacco products. (See Table A below for the list of SIC's included.)	Continuous update by INFO-USA through local directories, SEC business data, local government business data, and trade organizations. However, in urban areas updating may be several months behind.

3. If an area frame is used, describe how area sampling units are defined and formed.

- a. Is any area left out in the formation of the area frame? ☐ Yes ☐ No

If Yes, what percentage of the State's population is not covered by the area frame?

_____ %

4. Federal regulation requires that vending machines be inspected as part of the Synar survey. Are vending machines included in the Synar survey?

☒ Yes ☐ No , *However...*

If No, please indicate the reason they are not included in the Synar survey.

☐ State law bans vending machines

☒ State law bans vending machines from locations accessible to youth

☐ State has SAMHSA approval to exempt vending machines from the survey

☒ **Other** (please describe):

When vending machines are found they become the target of the inspection. Cooperating Individuals attempt buys at the vending machine by first requesting change and then attempting purchase.

5. Which category below best describes the sample design? (Check only one)

☐ **Census** (STOP HERE: Appendix B is complete)

☐ **Unstratified State-wide sample:**

☐ Simple random sample (go to Question 9)

☐ Systematic random sample (go to Question 6)

☐ Single-stage cluster sample (go to Question 8)

☐ Multi-stage cluster sample (go to Question 8)

☐ **Stratified sample:**

☒ Simple random sample (go to Question 7)

☐ Systematic random sample (go to Question 6)

☐ Single-stage cluster sample (go to Question 7)

☐ Multi-stage cluster sample (go to Question 7)

☐ **Other** (please describe):

☐ **Other** (please describe and go to Question 9):

6. Describe the systematic sampling methods. (After completing Question 6, go to Question 7 if stratification is used. Otherwise, go to 9)

7. Provide the following information about stratification

a. Provide a full description of the strata that are created.

Six administrative strata (2 urban and 4 rural) are defined by the State Patrol Troop areas. The strata are: A – Omaha, B – Northern Nebraska, C – South Central Nebraska, D – Southwest Nebraska, E – Nebraska Panhandle and HQ – Southeast Nebraska. The A and HQ Troop Areas are the most densely settled comprising metropolitan area of Omaha and Lincoln respectively (urban strata). The use of Patrol Areas provides a convenient method of handling SYNAR investigation as officers are assigned by Patrol Areas and can work with local youth to conduct compliance checks.

b. Is clustering used within the stratified sample?

☐ **Yes** (go to Question 8)

☒ **No** (go to Question 9)

8. Provide the following information about clustering

a. Provide a full description of how clusters are formed. (If multi-stage clusters are used, give definitions of clusters at each stage.)

b. Specify the sampling method (simple random, systematic, or probability proportional to size sampling) for each stage of sampling and describe how the method(s) is (are) implemented.

9. Provide the formulae for determining the effective, target, and original outlet sample sizes.

The SYNAR Survey Estimation System (SSES 2.0) is used for computing the sample sizes. The formulae that SSES employed are shown below.

Effective sample size:

$$n_e = \frac{1}{\left(\frac{(s.e.)^2}{P(1-P)} + \frac{1}{N} \right)},$$

where P is the expected retailer violation rate; and
 N is the total number of outlets in the sampling frame; and
 $s.e.$ is the desired standard error of the estimate (= 0.0182).

Target sample size:

$n_t = dn_e$, where d is the design effect.
 $d=1$ in this case since simple random sampling with replacement is used

Original sample size:

$$n_o = (1 + s) \frac{n_t}{r_1 r_2},$$

where r_1 is the expected accuracy rate;
 r_2 is the expected completion rate; and
 s is the safety margin.

See Table A, next page...

Table A
List of Standard Industrial Codes Included in
the Nebraska Youth Tobacco Sales Synar Sampling Frame

Business Type	SIC Code
Variety Store	533101
General Merchandise-Retail	539901
Convenience Stores	541103
Grocers-Retail	541105
Restaurants	581208
Bars	581301
Service Stations-Gasoline &Oil	554101
Pharmacies	591205
Liquors-Retail	592102
Cigar, Cigarette, & Tobacco Dealers-Retail	599301
Hotels & Motels	701101
Bowling Centers	793301
Racing Tracks	794801
Golf Courses-Public	799201
Amusement Places	799601
Recreation Centers	799701
Fraternal Organizations	864101
Veterans & Military Organizations	864102
Clubs	864108

APPENDIX C

STATE: Nebraska
FFY: 2006

SYNAR SURVEY INSPECTION PROTOCOL

Note: Attach a copy of the inspection form and protocol used to record the inspection result.

1. How does the State Synar survey protocol address the following?

a. Consummated buy attempts?

- ☒ Required ☐ Not Permitted
☐ Permitted under specified circumstances ☐ Not specified in protocol

b. Youth inspectors to carry ID?

- ☐ Required ☐ Not Permitted
☒ Permitted under specified circumstances ☐ Not specified in protocol

c. Adult inspectors to enter the outlet?

- ☐ Required ☐ Not Permitted
☒ Permitted under specified circumstances ☐ Not specified in protocol

d. Youth inspectors to be compensated?

- ☒ Required ☐ Not Permitted
☐ Permitted under specified circumstances ☐ Not specified in protocol

2. Identify the agency(s) or entity(s) that actually conduct the random, unannounced Synar inspections of tobacco outlets. (Check all that apply)

- ☒ Law enforcement agency(s)
☐ State or local government agency(s) other than law enforcement
☐ Private contractor(s)
☐ Other

List the agency name(s): Nebraska State Patrol

3. Are Synar inspections combined with law enforcement efforts (i.e., do law enforcement issue warnings or citations to retailers found in violation of the law at the time of the inspection)?

- ☒ Always ☐ Usually ☐ Sometimes ☐ Rarely ☐ Never

4. Describe the methods used to recruit, select, and train youth inspectors and adult supervisors.

Officers recruit and select cooperating individuals that appear to represent youth in the area. The officer trains the youth one on one by going over the youth's responsibilities and the protocol for cooperating individuals given below. When the officer is satisfied the youth can complete the assigned task the officer and youth conduct inspections.

All inspectors are certified law enforcement officers who are trained on the compliance check procedures. Each year information goes out to already trained officers with any changes to the procedures. New inspectors are assigned to inspectors with experience in order to "learn by doing". CI's are trained by an officer regarding proper procedures and protocols.

5. Are there specific legal or procedural requirements instituted by the State to address the issue of youth inspectors' immunity when conducting inspections?

a. Legal ☐ Yes ☒ No (If Yes, please describe):

b. Procedural ☐ Yes ☒ No (If Yes, please describe):

6. Are there specific legal or procedural requirements instituted by the State to address the issue of the safety of youth inspectors during all aspects of the Synar inspection process?

a. Legal ☐ Yes ☒ No (If Yes, please describe):

b. Procedural ☒ Yes ☐ No (If Yes, please describe):
Supervision of the minor by a State Patrol Officer.

7. Are there any other legal or procedural requirements the State has regarding how inspections are to be conducted (e.g., age of youth inspector, time of inspections, training that must occur)?

a. Legal ☐ Yes ☒ No (If Yes, please describe):

b. Procedural ☐ Yes ☒ No (If Yes, please describe):

APPENDIX D

STATE: Nebraska

FFY: FFY 2006

List Sampling Frame Coverage Study *(LIST FRAME ONLY)*

1. Calendar year of the coverage study: 2003_____

2. Percent coverage found: 84 _____ %

(Provide calculation of the percent coverage)

Number of outlets found by field research
Number of outlets listed on original list

3. Provide a description of the coverage study methods and results.

Coverage Study Description

The State is divided into six strata. The six strata are the State Patrol Troop Areas. Five starting outlets will be selected from each of the six State Patrol Troop Areas. As detailed below the selection of starting points will be based on postal codes in each strata and the size of the community of that strata. All municipalities in the state are classed according to size.

For each region in which there are a city of the Primary or Metropolitan Class three Zip Codes will be selected in each of these cities to survey. Additionally one zip code will be selected from each of the remaining classes of cities within that Strata. The selection of the number of zip codes to be randomly selected by municipal classification is based on the relative number of the size of communities in each of the Strata. With the exception of Strata A and Hq, villages and cities of the 2nd class represent the largest proportion of communities when ranked in size in the state. Thus in strata B, C, D and E 2 villages and 2 cities of the second class each will be selected. Thus there will be at least 5 randomly drawn zip codes in each of the six strata.

Once a postal code is selected, all outlets from the initial draw of outlets based on SIC codes in that postal codes will be randomly organized onto a list. This randomization will be accomplished by first alphabetizing the list by outlet name. Then assigning a random number from 1 to the total number of outlets in that postal code. Finally the selection of the starting point will be a random number between 1 and the total number of outlets.

From the address of the selected outlet, surveyors will canvas the community at each of the next 10 outlets. In each outlet surveyors will determine if the outlets sells tobacco, or has a tobacco licenses. Surveyors will collect the outlet name, address, main phone number and business type. Surveyors will determine if there is a vending machine in the outlets visited. Surveyors will canvas the community beginning with the selected outlet and go into the next ten outlets by going right from the main entry of the initial outlet.

The compilation of surveyor lists will be returned to the Division of Behavioral Health Services and compared against the master list to determine if all businesses that should be on the list of businesses are in fact on the master list.

The results: The complete business list contained 10,387 business with addresses. A sample of 320 (10 in each zip code area) was the intent, but a number of zip codes areas did not have 10 business addresses. Accordingly, the effective sample size was 287. Of these, 241 business were located and confirmed (84%). The 95% confidence interval is 81.2 with a margin of error of 4.32.

APPENDIX E

STATE: Nebraska

FFY: FFY 2006

Nebraska Inspection Protocol and Field Tabulation Form

GUIDELINES FOR USING UNDERAGE COOPERATING INDIVIDUALS DURING COMPLIANCE CHECKS

Through the passage of LB 114 (effective 09-01-01), the Nebraska Legislature amended Nebraska State Statute 53-1,122 to statutorily authorize law enforcement officers to conduct alcohol compliance checks. The Legislature also specified that all alcohol compliance checks in Nebraska shall be conducted pursuant to guidelines adopted and promulgated by the Nebraska State Patrol with input from the Liquor Control Commission. In order to comply with Nebraska Law the following guidelines must be followed by law enforcement agencies that use underage individuals to conduct compliance checks for the purpose of detecting alcohol violations. Prior to conducting any compliance checks a list of randomly chosen locations should be developed. It is appropriate to add to this random list locations that have failed previous compliance checks and/or locations for which complaints of alleged sales of alcohol to minors have been received. (Locations that have failed previous compliance checks should be given sufficient time between checks to allow the licensee to develop and implement strategies to address sales to minors.) If sufficient personnel are available, it is also appropriate to check all the locations in a certain geographic area or all the locations that have the same class of license rather than developing a randomly chosen list. A searchable list of premises with liquor licenses can be found at the Nebraska Liquor Control Commission's web site at <http://www.nol.org/home/NLCC/>. This list can be sorted by license type, city, street address and county.

Parental permission is required for cooperating individuals under the age of 18 (unless emancipated). Minors selected as C.I.s for conducting compliance checks shall, in their dress and appearance, be within the range of normal for minors in that geographical area. There should be no alteration to their normal dress and/or appearance for conducting compliance checks. Do not hesitate to instruct, advise and/or correct a C.I. in appearance matters regarding appropriateness for compliance checks. Headwear if worn, should be worn in a manner that is normal for their age.

C.I.s must be informed that they will be required to appear and testify before the Liquor Control Commission if needed. When appearing before the Liquor Control Commission, every effort should be made to ensure that the C.I.'s appearance is the same or similar to the way it was when the compliance check was conducted. Witness fees and mileage are paid to individuals subpoenaed to appear before the Commission. If the C.I. is to be paid, payment should be made on an hourly basis or daily rate and shall not be paid based on the number of compliance checks completed or the number of purchases made. Continued use of an individual as a C.I. shall not

depend on the number of cases made. The use of individuals working to avoid being charged for a prior or pending alcohol violation is strongly discouraged.

C.I.s should not order or purchase more alcohol than is reasonable to establish a violation. (It is not necessary for a C.I. to consume alcohol for a violation to occur; having alcohol in his or her possession is a violation of the Liquor Control Act.)

Underage C.I.s should be specifically instructed:

- Not to use a disguise that makes them appear older than they actually are.
 - Not to use or possess false, borrowed or altered identification.
 - To use their own personal, valid identification, i.e., driver's license, state I.D., etc.
 - Not to lie to a sales clerk if asked their date of birth, if they are old enough to purchase alcohol, or their age. (If the C.I. is asked if he or she is old enough to purchase alcohol, it is acceptable for the C.I. to respond with, "Would you like to see my I.D.?" or some other similar reply as long as it is not deceptive in regard to his or her actual age.)
 - To correctly fill out the documentary proof of age booklet if requested to do so. In order to protect the safety of the C.I. they may use an address that is not their own. The address of the local law enforcement agency is suggested as an appropriate substitution.
 - To be prepared to accurately describe and identify the sales clerk for enforcement action.
 - If asked they may answer the question, "Are you working for law enforcement?" with "No."
- (Any other deceptions are not permitted.)

TOBACCO COMPLIANCE CHECK REPORTING FORM
(one form is required for each business on the list regardless of the status of the check)

Do not substitute if provided a list

THIS FORM MUST BE FILLED IN COMPLETELY AND LEGIBLY

Date of Check -- > _____ Time of Check -- > _____

Name of Business : _____

Address of Business: _____

City NE Zip: _____ NEBRASKA

CHECK INFORMATION: (circle response – leave no blanks)

Type of Sales: **CS** (Clerk Sales) **VM** (Tobacco Vending Machine)

Compliance Status: **CO** (In Compliance) **VI** (Violation) **IN** (**Incomplete** ↓)

CI Information AGE **14** **15** **16** **17**

CI Information: Gender: **M** (Male) **F** (Female)

CI ID Checked? **Yes** **No**

CI Number _____

Type of Business: (Circle)

B1 Convenience Store/Gas Station

B2 Grocery Store

B3 Package Liquor

B4 Liquor Establishment

B5 Restaurant

B6 Other

For investigator Use: VIOLATIONS

Case #	
CI #	
Evidence Purchased	
Money Expended	
Change Received	
Citation Issued to:	Clerk Owner Manager

Incomplete Reason: (Circle)

N1 In operation but closed at visit time

N2 Unsafe to access by youth inspector

N3 Police is present in the outlet

N4 Youth inspector knows the sales person

N5 Moved to new location

N6 Drive through only Youth has no DL

N7 Tobacco out of stock

N8 Run out of time for inspections

I1 Out of business

I2 Does not sell tobacco Products

I3 Inaccessible by youth

I4 Private club

I5 Closed for a period of time (seasonal, reno)

I6 Cannot locate

I7 Wholesale only

I8 Vending machine broken

I9 Duplicate

**** Other (explain):** _____

Name of Officer:

Signature:

Patrol Troop Area:

Remarks: